

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
September 12, 2005

PRESENT: Tom Cowan, Chairman
Rick Meahl
John Potera
Terry Janicz
John Olaf
Christine Falkowski, Planning Board Clerk

ABSENT: Andy Kelkenberg
Don Hoefler

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

One Lot Minor Subdivision – Moore Road
Karen Stanley

Mrs. Stanley wishes to split off 13 acres from her 29-acre lot. She is refinancing her home, and the bank will only finance the house and up to 20 acres. NYSEG owns property that divides her land into two pieces which are landhooked across NYSEG. The 13-acre parcel she is creating is also landhooked across NYSEG, thus dividing it in two. The 9.88 acres has no road frontage and can only be accessed by crossing NYSEG’s piece. The proposed three-acre piece has 320 feet of frontage and is entirely in the floodplain. She may eventually sell this piece as two building lots. The floodplain is restricted to a home without a basement, unless a LOMA is filed with FEMA to remove it from the floodplain. Mrs. Stanley’s application is missing a drainage plan. She will ask Ottney & Miller to plot elevations on her survey. Tom will ask Wendel Duchscherer to look at the site on the next Thursday morning agenda meeting on September 29th. This item is tabled.

Minutes Review – Rick motioned to approve the minutes of August 15, 2005, seconded by John Olaf:

Tom Cowan	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
John Potera	- Aye

Site Plan Application - Change in Use to Church - McConnaughey
13008 Main Road – Living Free Christian Center

Chris & Joann Murry, and Jim Pixley attended the meeting. The site plan was sent to Erie County Planning and to NYS DOT for a 30-day review. Erie County Planning had no recommendation. DOT must respond by 9/17 as they may have an opinion on the ingress and egress to Routes 5 and 93. A letter was sent to the owner, Mr. McConnaughey, on August 17th stating that site plan approval for his tenant was contingent upon taking care eight conditions within 30 days (by September 17th). Jim Pixley reported on the following conditions:

<u>Condition</u>	<u>Response</u>
(1) Remove the trailer that takes up six parking spots	Trailer is gone
(2) Remove the tire pile	Will be removed soon
(3) Remove the unlicensed car with flattened tires	Has been removed
(4) Remove weeds and add landscaping	In process
(5) Remove sign for “Doug’s Service Center” as there is no sign permit on file	Sign not removed as Doug Lewis states he has a sign permit.
(6) Remove interior insulation covering windows	Insulation has been removed, but windows will remain covered with another material.
Building Code items:	
(7) Install fire extinguishers	Where do we put them?
(8) Install exit lights	Exit lights are there and illuminated

Tom motioned to approve the change-in-use site plan pending NYS DOT’s comments, all eight conditions being met and inspection by the Building Inspector, seconded by Terry:

Tom Cowan	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
John Potera	- Aye

Golden Pond Estates

Owners promised to send evidence of State highway work permit along with a current site plan that includes their plans for expansion. Another letter will be sent to Jim Felber.

Route 5 Overlay Zone – Checklist

The Overlay Zone checklist to be used by the Planning Board for review of Route 5 projects was discussed. The checklist was taken directly from the adopted ordinance. Some changes were recommended that should be discussed with the Route 5 Rezoning Committee. For example: The Board feels that parking areas for new construction should be paved.

Special Use Permits in RA Zone for Home Based Businesses

The April 4th memo of recommendations went to the Town Board.

- Item #9 states that a Special Use Permit stays with the owner. The Board questioned whether this is correct. Nathan Neill was consulted, who stated that a granted special use permit runs with the land and not with the individual applicant (St. Onge v. Donovan, 71 N.Y.2d 507, 527 N.Y.S.2d 721 (1988)).

Major Subdivision Process

There have been a few inquiries recently from potential major subdivision applicants. In anticipation of this, we may wish to update our submission documents and checklists. Various documents from the Town of Evans (recommended to us by Wendel as a good example) will be reviewed at the next meeting.

Next Agenda deadline: Friday, September 23, 2005
Next Agenda meeting: Thursday, September 29, 2005
Next PB meeting: Monday, October 3, 2005

John P. made a motion to adjourn the meeting at 9:10PM, seconded by John O. and all approved.

Respectfully submitted,

Christine Falkowski,
Recording Secretary